

Notice of Allowability

Application No.

10/780,989

Examiner

Satya B. Sastri

Applicant(s)

GIELENS ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on September 8, 2006.
2. ☒ The allowed claim(s) is/are 1-21 and 23-67.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S COMMENT/AMENDMENT/REASONS FOR ALLOWANCE

1. All previous rejections have been overcome by the amendment filed on September 8, 2006 and the rejections are withdrawn. ***Claims 1-21, 23-67*** are now pending in the application.
2. The terminal disclaimer filed on September 8, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of application number 10/780,987 and 10/780,996 has been reviewed and is accepted. The terminal disclaimer has been recorded.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Polly C. Owen on October 18, 2006.

The application has been amended as follows:

Replace ***claim 12*** by " An adhesive composition according to Claim 11 wherein said acrylate monomers are acrylic acid and 2-ethylhexyl acrylate".

Reasons For Allowance

4. ***Claims 1-21, 23-67*** are allowed.

5. The following is an Examiner's Statement of Reasons for Allowance:

The instant claims are allowable over prior art to Whitmire et al. (US 4,912,169), Martin et al. (US 5,028,484) and Takizawa et al. (US 6,783,850 B2).

The present claims are directed to an adhesive composition comprising at least one acrylic monomer and at least one tackifier resin comprising at least one aromatic monomer and at least one acrylate monomer wherein the residual monomer concentration of the tackifier resin is less than about 600 ppm by wt. based on the wt. of the tackifier resin.

Whitmire et al. disclose adhesive compositions comprising a polymeric additive polymerized from acrylic monomers, olefinic acids and optional comonomers wherein said additive has molecular weight less than 35,000 and softening point greater than 40°C. The additive component may be used with polymers or copolymers of styrene, butadiene, ethylene, vinyl acetate, (meth)acrylic acids or esters with (meth)acrylic acids or esters as the preferred species.

Takizawa et al. disclose adhesive compositions comprising 5-75 parts by wt. of an adherent polymer (a) comprising (meth)acrylic ester component as principal structural unit and (b) 5 to 40 parts by wt. of a tackifying resin comprising (meth)acrylic ester component and having a wt. average molecular wt. of 20,000 or less. The tackifier resin include (meth)acrylic esters (column 13, lines 34-40) copolymerized with unsaturated carboxylic acids and aromatic monomers.

Art Unit: 1713

Martin et al. disclose adhesives comprising 50-95% acrylic polymer derived from (meth)acrylic ester, polar monomers and optional comonomers, and 5 to 50% by wt. of one or more tackifying resins. The tackifying resins are aromatic resins with a number average molecular wt. of 300-2500, Tg of 40-120°C. The tackifying resin may be grafted with acrylic monomers. Working examples disclose compositions comprising acrylic polymers and acrylic terminated poly(t-but. styrene).

The amended claims recite the limitation with to residual monomer concentration of the tackifier resin as being less than about 600 ppm by wt. based on the wt. of the tackifier resin. Such a limitation is not taught or suggested by prior art of record, alone or in combination. Therefore, the instantly claimed invention is deemed allowable over closest prior art of record as per said art neither anticipating nor rendering, alone or in combination, the instantly claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

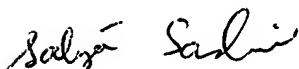
Future Correspondence

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri whose telephone number is 571-272-1112.

Art Unit: 1713

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273 8300 for regular communications. The unofficial direct fax phone number to the Examiner's desk is 571-273-1112.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SATYA SASTRI

October 18, 2006



DAVID W. WU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700